



*Cutler*  
*36696-052004*

*ROANOKE CITY COUNCIL  
REGULAR SESSION*

*MAY 20, 2004  
2:00 P.M.*

*CITY COUNCIL CHAMBER*

*AGENDA*

1. Call to Order – Roll Call. (All Council Members were present.)

The Invocation was delivered by The Reverend George E. Stevenson, Pastor, East Gate Church of the Nazarene.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Friday, May 21, 2004, at 7:00 p.m., and Saturday, May 22, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.

## 2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Proclamation declaring May 16 – 22, 2004 as Business Appreciation Week.

File #3

Proclamation declaring May 16 – 22, 2004 as Emergency Medical Services Week.

File #3-354

Proclamation declaring May 16 – 22, 2004 as National Public Works Week.

File #3-183

Proclamation declaring May 20, 2004 as Sarah-Elizabeth Virginia Hurt Day.

File #3-304

3. CONSENT AGENDA

Approved (7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of a special meeting of Council held on Tuesday, November 25, 2003; and the regular meeting of Council held on Monday, April 5, 2004.

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

Approved (7-0)

File #132

- C-3 A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to expansion of the Downtown Service District.

RECOMMENDED ACTION: Concur in the request.

Approved (7-0)

File #79-380

- C-4            A request of G. Michael Pace, Jr., Attorney, representing SunCom, that Council schedule a public hearing for Monday, June 7, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, with regard to the construction and operation of a 110-foot flagpole communication facility and related equipment on a portion of City-owned property located at the Roanoke Civic Center.

RECOMMENDED ACTION:      Concur in the request.  
Approved (7-0)  
File #192-383

- C-5            A communication from Carl T. Tinsley, Sr., Secretary, Roanoke City Electoral Board, transmitting an Abstract of Votes cast in the General Election held in the City of Roanoke on May 4, 2004.

RECOMMENDED ACTION: Receive and file.  
Approved (7-0)  
File #40-132

- C-6            A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.  
Approved (7-0)  
File #2-132

- C-7            Qualification of the following persons:

M. Rupert Cutler as a City representative to the Board of Directors, Western Virginia Water Authority, for a term commencing March 2, 2004 and ending March 1, 2006; and

Randy L. Leftwich as a member of the Human Services Committee for a term ending June 30, 2004.

File #15-110-207-468

RECOMMENDED ACTION:    Receive and file.

- C-8            A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

Approved (7-0)

File #132

- C-9            A communication from the City Attorney requesting that Council convene in a Closed Meeting for consultation with legal counsel on a specific legal matter requiring the provision of legal advice by such counsel, pursuant to §2.2-3711A.7, Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

Approved (7-0)

File #132

## REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Technology Trust funds from the State Compensation Board, for reimbursement to the Circuit Court Clerk's Office, in the amount of \$29,708.00.

Adopted Budget Ordinance No. 36696-052004.  
(7-0)  
File #60-103-108

2. Amendment to the City Code to reflect an increase in the "distance rate" for taxi-cab service in the City of Roanoke.

Adopted Ordinance No. 36697-052004. (7-0)  
File #24-47

3. Appropriation of \$110,000.00 from the Virginia Department of Transportation for disbursement to the Western Virginia Foundation for the Arts and Sciences, in connection with the Roanoke Passenger Station Renovation Project.

Adopted Budget Ordinance No. 36698-052004.  
(7-0)  
File #60-537

4. Acceptance of Juvenile Accountability Block Grant Incentive Program funds from the Department of Criminal Justice Services, in connection with the TAP-Project Recovery program.

Adopted Budget Ordinance No. 36699-052004  
and Resolution No. 36700-052004. (7-0)  
File #60-226-236-305

## 7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation of funds from the 2003-04 Capital Maintenance and Equipment Replacement Fund and the Alternative Education Program; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

Adopted Budget Ordinance No. 36701-052004.

(7-0)

File #60-467

## 8. UNFINISHED BUSINESS: NONE.

## 9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS. NONE.

## 10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Cutler called attention to an article in a recent issue of *Virginia Town and City* in regard to mutual aid pacts which noted that the City of Roanoke, City of Salem, Town of Vinton and Roanoke County have moved beyond maintaining a mutual aid agreement and expanded regional cooperation by establishing a regional radio system, standardizing equipment for fire fighting components, adopting a valley-wide incident management system and participating in the construction of the Roanoke Valley Regional Fire Emergency Medical Services Training Center. He stated that the article was a positive reflection of the Roanoke Valley's efforts toward regional cooperation.

File #132

Council Member Cutler advised that the Governor will appoint a Commission on Rail Enhancement for the 21st Century which will address improving freight service along I-81 and it is hoped that a representative from the Greater Roanoke region will be appointed to the Commission.

File #132-533

Council Member Bestpitch commented on the Roanoke Valley Leadership Trip to Louisville, Kentucky on May 16-18 and advised that the value of the trip will be in determining whether localities of the Roanoke Valley can build upon the kinds of regional cooperation above referenced by Dr. Cutler in order to combine with other jurisdictions to achieve greater efficiencies in government; i.e.: cooperative agreements in regard to fire/emergency medical services, library systems, parks and recreation activities, etc.

File #132

Council Member Bestpitch advised that he and the City Manager represent the City of Roanoke on the Virginia First Cities Coalition which consists of the City of Roanoke and 14 other cities throughout the Commonwealth of Virginia that are experiencing the same challenges of older urban core cities. He stated that a meeting was held on Wednesday, May 19, in Petersburg, Virginia, and commended the City Manager for the leadership she has provided to the organization, she has represented the City well and is highly respected by City Managers and elected representatives from the 14 other cities that are a part of the Coalition. He encouraged Council to continue its support of the Virginia First Cities Coalition.

File #132-292

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.



## 11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Dr. E. Jeanette Manns, 1826 10th Street, N. W., spoke in regard to an incident that occurred in a City school in which her grandson was the victim of bullying by another student and the manner in which School officials responded to the incident. She advised that racism exists in Roanoke City Public Schools and in Roanoke City employment.

File #66-132-467

Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed appreciation for Council's approval of an increase in taxicab rates. He expressed concern that for budgetary reasons, the Commissioner of the Revenue no longer has an employee assigned to issue City decals at the Division of Motor Vehicles.

File #47-66-106

## 12. CITY MANAGER COMMENTS: NONE.

CERTIFICATION OF CLOSED SESSION. (6-0, Council Member Dowe was absent.)

Adopted Ordinance No. 36702-052004 authorizing the City Manager to execute an amendment to the License Agreement dated May 18, 2001, between the City and Arena Ventures, LLC, extending the date by which Arena Ventures must provide written notice to the City that it is exercising its right to terminate such License Agreement from May 31, 2004, until June 30, 2004, upon certain terms and conditions. (6 - 0, Council Member Dowe was absent.)  
File #192

THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



*ROANOKE CITY COUNCIL  
REGULAR SESSION*

*MAY 20, 2004  
7:00 P.M.*

*CITY COUNCIL CHAMBER*

*AGENDA*

Call to Order -- Roll Call. (All Council Members were present.)

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Friday, May 21, 2004, at 7:00 p.m., and Saturday, May 22, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

## A. PUBLIC HEARINGS:

1. Request of Fudds of S.W.VA., Inc., that property located at 3659 Orange Avenue, N. E., Official Tax No. 7110122, be rezoned from RS-3, Residential Single Family District, to C-2 General Commercial District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.

The request for rezoning was referred to City Planning staff for review of additional proffers and report to Council no later than Monday, June 21, 2004.

File #51

2. Request of the Unified Human Services Transportation System, Inc. (RADAR), for exemption from local real estate taxation of real property located between Breckinridge Avenue and Baker Avenue, N. W. Wilburn C. Dibling, Jr., Attorney.

Adopted Ordinance No. 36703-052004. (7-0)

File #79

3. Amendment of Vision 2001-2020, the City's Comprehensive Plan, to include the Wireless Telecommunications Policy. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 36704-052004. (7-0)

File #166-200-383-468

## B. OTHER BUSINESS:

- 1(a). Petition for appeal of a decision of the Architectural Review Board, filed by Edward A. Natt, Attorney, representing Rhodney Tozier and Travis Tozier, d/b/a Community Properties, LLC, with regard to property located at 365 Washington Avenue, S. W.

Based upon the evidence (testimony and documents) presented to Council on Thursday, May 20, 2004, Council voted to affirm the decision of the City of Roanoke Architectural Review Board on April 13, 2004,

that no Certificate of Appropriateness be issued for roof replacement at 365 Washington Avenue, S. W., as set forth in the Petition for Appeal, on the grounds that the proposed installation would not be compatible with the architectural defining features of the building. (6 – 1, Mayor Smith voted no)  
File #249

- (b). Recommendation of the Architectural Review Board that Council affirm its decision to deny issuance of a Certificate of Appropriateness, in connection with the above-referenced property. Robert N. Richert, Chair, Architectural Review Board; and R. Brian Townsend, Director, Planning, Building and Development, Spokespersons.  
File #249

- 2(a). Petition for appeal of a decision of the Architectural Review Board, filed by Steven S. Dugger, with regard to property located at 717 Highland Avenue, S. W.

Based upon the evidence (testimony and documents) presented to Council on Thursday, May 20, 2004, Council voted to affirm the decision of the City of Roanoke Architectural Review Board on April 13, 2004, and that no Certificate of Appropriateness be issued for the replacement of windows at 717 Highland Avenue, S. W., as set forth in the Petition for Appeal, on the grounds that the proposed installation would not be compatible with the architectural defining features of the building.  
File #249

- (b). Recommendation of the Architectural Review Board that Council affirm its decision to deny issuance of a Certificate of Appropriateness, in connection with the above-referenced property. Robert N. Richert, Chair, Architectural Review Board; and R. Brian Townsend, Director, Planning, Building and Development, Spokespersons.

## C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed appreciation to Mayor Smith and Council Members Bestpitch and Wyatt for their service on Council. He commended the City on plans to relocate the entrance to the Roanoke Regional Airport and the installation of a traffic light.

File #9-20

Mr. Robert Gravely, 729 Loudon Avenue, N. W., expressed concern with regard to overall conditions in the City of Roanoke, the need to talk with citizens to learn more about issues of concern, appropriate application of the law, the City's inadequate pay scale and pay for performance which does not bring the salary of the average City employee to an acceptable level.

File #66-184